

### **REMARKS**

This is in response to the Office Action mailed on June 3, 2004, and the references cited therewith.

Claims 16-23, 27-37, and 39-46 are amended, and claim 15 is canceled; as a result, claims 1-14 and 16-47 remain pending in this application.

#### **§102 Rejection of the Claims**

Claims 1-2, 4-11, 14-24, 28-35 and 42-43 were rejected under 35 USC § 102(b) as being anticipated by Hidary et al. (U.S. 5,774,664).

Claim 1 includes the limitation of a “determining, using an electronic program guide, a **timing offset object** associated with a broadcast programs.” This limitation is not described or even suggested in Hidary.

Hidary provides a **time** at which a URL is communicated with the video but not a **timing offset**. The section in Hidary referenced in the office action states that “[t]he records in the Link File preferably specify the time, Internet address (i.e. URL), label (such as an associated name), and some optional additional information, for each Web page the broadcaster 66 desires to launch during a show.” The office action alleges that the timing offset limitation is described at Col. 8, lines 54-61 in Hidary. The referenced section states that “[t]he personal computer 16 also receives the video program from the multi-channel cable and extracts the URLs, embedded in the vertical blanking interval of the video signal or directly transmitted 94 over the Internet 20. The client software 106 extracts the URLs and retrieves the particular Web pages as described above. The Web pages are then synchronized with the particular video frames and presented to the user.” This section at best describes synchronizing with video frames and does not teach or even suggest a **timing offset object**.

Evidence that Hidary describes pure time-related functionality and **not a timing offset** may be found in several parts of the Hidary’s patent. For example, Col.3, lines 42-52 describes how “member broadcasters enter the Internet through a member account, and will be provided

with a graphical user interface for pre-scheduling Internet addresses, or URLs, for transmission to users at particular times of day. This interface could also be used to transmit real time live transmissions of URLs to users at the same time as a broadcast. The URLs are stored in a "Link File" for later transmission over the Internet to the user at the broadcasters entered time, which corresponds to the broadcast time of an associated program." In fact, **nowhere in Hidary is the concept of a timing offset mentioned or even suggested.**

In view of the above it is submitted that claim 1 is allowable. As claims 2 – 9 are dependent upon claim 1 they are also allowable.

Claim 12 includes the limitation of a "timing offsets database". From the remarks above it will be appreciated that claim 12 is also allowable. As claim 13 is dependent upon claim 12 it is also allowable.

Claim 14, as amended, includes the limitation of "determining **timing offsets** associated with a broadcast program." In view of the remarks above, it is submitted that claim 14 is also allowable. As claims 16 – 44 are dependent upon claim 14 they are also allowable.

Claims 10 and 11, as amended, include the limitation of a "**timing offset**." In view of the remarks above, it is submitted that claims 10 and 11 are allowable.

### §103 Rejection of the Claims

Claims 3, 12-13, 26-27, 39, 41 and 44 stand rejected under 35 USC § 103(a) as being unpatentable over Hidary et al.

In view of the remarks above, it is submitted that claims 3, 12-13, 26-27, 39, 41 and 44 are allowable.

Claims 40 and 45-47 stand rejected under 35 USC § 103(a) as being unpatentable over Hidary et al. in view of Blacketter et al. (U.S. 6,415,438).

Claims 45 and 46 include the limitation of a “timing offset.” In view of the remarks above, it is submitted that these claims are allowable. As claim 47 is dependent upon claims 45 and 46, they are also allowable. Claim 40 is dependent upon claim 14, which is submitted to be allowable. Accordingly, claim 40 is also allowable.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone André Marais at (408) 333-9972 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

BRIAN P. DOUGHERTY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
408-333-9972

Date 3 November 04

By J. M. Kalis  
Jahal M. Kalis  
Reg. No. 37,650

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3rd day of November, 2004.

Peter Rebuffoni

Name

Peter Rebuffoni

Signature